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6/5/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Grozinger, et al.

Attorney Docket No.: HUV-037.01

Serial No.: 09/800,187

Art Unit: 1652

Filing Date: March 5, 2001

Examiner: Elizabeth Slobodyansky

For: *Class II Human Histone Deacetylases, and  
Uses Related Thereto*

**Certificate of First Class Mailing**

I hereby certify that the instant "*Response to Restriction Requirement*" is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

May 23, 2003

By:

Kristen Willett

Kristen Willett

Date of Signature  
and of Mail Deposit

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**MAY 29 2003**

**RESPONSE TO RESTRICTION REQUIREMENT**

**TECH CENTER 1600/2900**

Dear Madam:

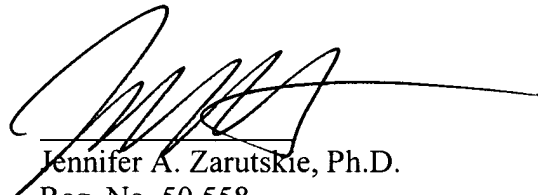
In response to the outstanding Restriction Requirement of April 24, 2003, Applicants provisionally elect, with traverse, Group III, claims 3, 12, 13, 15, 18-24, 27, and 28, drawn to a DNA encoding SEQ ID NO: 6, a vector containing it, a cell transformed with the same, and a method of making a polypeptide.

For a restriction requirement to be valid, the Examiner must establish that the search and examination of the entire application cannot be made without serious burden. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. (M.P.E.P. § 803). Applicants respectfully submit that a search and examination of a DNA encoding SEQ ID NO: 6 polypeptide would also entail a search and examination of the SEQ ID

NO: 6 polypeptide sequence, posing no serious burden. Accordingly, Applicants respectfully request examination of the Group XII claims, drawn to a polypeptide of SEQ ID NO: 6 simultaneously.

Any questions raised by this submission may be directed to the undersigned at (617) 832-1000. No fee is believed to be due in connection with the submission of this Response. The Commissioner is hereby authorized to charge any underpayments, or credit any overpayments, to our **Deposit Account No. 06-1448.**

Respectfully submitted,  
FOLEY HOAG LLP



Jennifer A. Zarutskie, Ph.D.  
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May 23, 2003  
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